UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF PENNSYLVANIA

Larry D. Smith, Jr.

Debtor 1

Chapter 13

Case No. 1:23-BK-02739-HWV

Matter: Motion to Modify Confirmed Amended Plan

DEBTOR(S)' MOTION TO MODIFY CONFIRMED PLAN

AND NOW, come the Debtor(s), Larry D. Smith, Jr., through his attorney, Paul D. Murphy-Ahles, Esquire and

DETHLEFS PYKOSH & MURPHY, who files the within Debtor(s)' Motion to Modify Confirmed First Amended Chapter

13 Plan and aver as follows:

1. Debtor(s) filed a Chapter 13 Bankruptcy Petition and Plan on or about December 1, 2023. The purpose of

the Bankruptcy was to pay Debtor(s) secured arrears and unsecured creditors.

2. On April 10, 2024, the Debtor(s)' First Amended Chapter 13 Plan was confirmed.

3. Since confirmation of the First Amended Plan, Debtor(s) fell behind on their mortgage payments to

Lakeview Loan Servicing and a Motion for Relief from Automatic Stay was subsequently filed (hereinafter "Motion").

4. To resolve the pending Motion, Debtor(s) and Lakeview Loan Servicing entered into a Stipulation agreeing

to add post-petition arrears into the Plan.

5. The Second Amended Plan proposes to increase Debtor(s)' plan payments to \$2,044.00 for the remaining

49 months of the Plan to pay all mortgage arrears and fully fund the Debtor(s)' Plan.

6. In accordance with Local Rule 2016-2(f), the Second Amended Plan includes an additional \$500.00 in

attorneys' fees to be paid through the Plan to Debtor(s)' counsel.

WHEREFORE, Debtor(s) respectfully request this Court grant Debtor(s)' Motion to Modify Confirmed First

Amended Chapter 13 Plan.

Respectfully submitted,

DETHLEFS PYKOSH & MURPHY

Dated: November 5, 2024

/s/ Paul D. Murphy-Ahles

Paul D. Murphy-Ahles, Esquire

PA ID No. 201207

2132 Market Street

Camp Hill, PA 17011

(717) 975-9446

pmurphy@dplglaw.com

Attorney for Debtor(s)

LOCAL BANKRUPTCY FORM 3015-1

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	CHAPTER 13
LARRY D. SMITH, JR.	CASE NO. 1:23-BK-02739-HWV
	☐ ORIGINAL PLAN 2nd AMENDED PLAN (indicate 1 st , 2 nd 3 rd , etc.)
	0 number of Motions to Avoid Liens0 number of Motions to Value Collateral

CHAPTER 13 PLAN

NOTICES

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

1	The Plan contains nonstandard provisions, set out in §9, which are not included in the standard Plan as approved by the US Bankruptcy Court for the Middle District of Pennsylvania.		⊠ Not Included
2	The Plan contains a limit on the amount of a secured claim, set out in §2.E, which may result in a partial payment or no payment at all to the secured creditor.	☐ Included	⊠ Not Included
3	The Plan avoids a judicial lien or nonpossessory, nonpurchase-money security interest, set out in §2.G.	□ Included	

YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this Plan, you must file a timely written objection. This Plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the Plan.

1. PLAN FUNDING AND LENGTH OF PLAN

A. Plan Payments from Future Income

1. To date, the Debtor paid \$16,120.77 (\$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the Plan the following payments. If applicable, in addition to monthly Plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base Plan is \$116,276.77 plus other payments and property stated in \$1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
11/2024	11/2028	\$2,044.00	\$0.00	\$2,044.00	\$100,156.00
				Total Payments:	\$116,276.77

- 2. If the Plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payment and the Plan funding. Debtor must pay all post-petition mortgage payments that have come due before the initiation of conduit mortgage payments.
- 3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the Plan.

4. CHECK ONE:

☑ Debtor is at or under median income. *If this line is checked, the rest of §1.A.4 need not be completed or reproduced.*

☐ Debtor is over median income. Debtor estimates that a minimum of \$0.00 must be paid to allowed unsecured creditors in order to comply with the Means Test.

B. Additional Plan Funding from Liquidation of Assets/Other

1. The Debtor estimates that the liquidation value of this estate is \$12,940.00 (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances is before the deduction of Trustee fees and priority claims.)

CHECK ONE:

- \boxtimes No assets will be liquidated. *If this line is checked, skip §1.B.2 and complete §1.B.3, if applicable.* \square Certain assets will be liquidated as follows:
- 2. In addition to the above specified Plan payments, Debtor shall dedicate to the Plan proceeds in the estimated amount of \$0.00 from the sale of property known and designated as . All sales shall be completed by , 20 . If the property does not sell by the date specified, then the disposition of the property shall be as follows:
- 3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows:

2. SECURED CLAIMS

A. Pre-Confirmation Distributions Check One

 \boxtimes None. If "None" is checked, the rest of §2.A need not be completed or reproduced.

☐ Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a Proof of Claim has been filed as soon as practicable after receipt of said payments from the Debtor.

Name of Creditor	Last Four Digits of Account Number	Estimated Monthly Payment

- 1. The Trustee will not make a partial payment. If the Debtor makes a partial Plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must include any applicable late charges.
- 2. If a mortgagee files a notice pursuant to Fed. R. Bankr. P. 3002.1(b), the change in the conduit payment to the Trustee will not require modification of this Plan.

B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor Check One

\square None. If "None	" is checked, the rest of §2.B new	ed not be completed or reproduced.
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☑ Payments will be made by the Debtor directly to the Creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the Plan if not avoided or paid in full under the Plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
M & T Bank	14731 Trout School Road Felton, PA 17322	8783
First Investors Financial Services	2016 Hyundai Santa Fe	0001

C. Arrears (Including, but not limited to, Claims Secured by Debtor's Principal Residence) Check One

 \square None. If "None" is checked, the rest of §2.C need not be completed or reproduced.

⊠ The Trustee shall distribute to each Creditor set forth below the amount of arrearages in the allowed claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the Creditor as to that collateral shall cease, and the claim will no longer be provided for under §1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre- Petition Arrears to be Cured	Estimated Post-Petition Arrears to be Cured	Estimated Total to be Paid in Plan
M & T Bank	14731 Trout School Road Felton, PA 17322	\$86,771.01	\$9,971.25	\$96,742.26

D. Other Secured Claims (Conduit Payments and Claims for Which a §506 Valuation is Not Acceptable, etc.) Check One

- \boxtimes None. If "None" is checked, the rest of §2.D need not be completed or reproduced.
- ☐ The claims below are secured claims for which a §506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 days of the petition dated and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or (b) incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided for elsewhere.
- 1. The allowed secured claims listed below shall be paid in full and their liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law discharge under §1328 of the Code.
- 2. In addition to payments of the allowed secured claim, present value interest pursuant to 11 U.S.C §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the Court will determine the present value interest rate and amount at the Confirmation Hearing.
- 3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Descrip	tion of Collater	Principa Balance Claim		Total to be Paid in Plan
E. Secured Claims for	r Which a §506 Val	luation is Appli	cable Check One		
☐ Claims listed These claims wi of the payment of the Code. Th as "\$0.00" or "Y unsecured claim or other action (s or validity or the the Confirmation	d in the subsection ill be paid in the Pla of the underlying de excess of the Cred NO VALUE" in the n. The liens will be a select method in last e allowed secured clan Hearing. Unless cents on the claim she	are debts secure an according to be determined u litor's claim will "Modified Princavoided or limited toolumn). To the laim for each claotherwise ordered	ed by property no modified terms, a nder nonbankrup be treated as an u cipal Balance" co ed through the Pla e extent not alread im listed below v	ot described in § and liens retained toy law or dischaussecured claim. It is obtained to be an or Debtor will dy determined, the will be determined.	2.D of this Plat until the early arge under §13 Any claim list list list an adversal amount, extend by the Court
Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan, Adversary or Other Action
☐ The Debtor Creditor's claim modified plan, the under §1301 be	one" is checked, the elects to surrender the Debtor requirements the stay under 11 U.S. terminated in all reservil be treated in Paragraphs.	to each Credit lests that upon c S.C. §362(a) be t spects. Any allow	or listed below is confirmation of the transfer of the transfe	in the collateral nis Plan or upon ne collateral only	that secures approval of a and that the s
	itor		Descriptio	on of Collateral	

mortgages).

 \boxtimes None. If "None" is checked, the rest of §2.B need not be completed or reproduced.

 \Box The Debtor moves to void the following judicial and/or nonpossessory, nonpurchase money liens of the following creditors pursuant to \$522(f) (this \S should not be used for statutory or consensual liens such as

Lien Description	
for Judicial Liens, include court and docket number	
Description of Liened Property	
Liened Asset Value	
Sum of Senior Liens	
Exemption Claim	
Amount of Lien	
Amount Avoided	

3. PRIORITY CLAIMS

A. Administrative Claims

- 1. <u>Trustee's Fees</u>. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.
- 2. Attorney's Fees. Complete Only One of the Following Options
 - a. In addition to the retainer of \$355.00 already paid by the Debtor, the amount of \$4,645.00 in the Plan. This represents the unpaid balance of the presumptively reasonable fee specified in LBR 2016-2(c); or
 - b. \$0.00 per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between Debtor and the Attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to LBR 2016-2(b).
- 3. Other. Other administrative claims not included in §§3.A.1 or 3.A.2 above. Check One

\boxtimes None. If "?	Vone" is checked,	, the rest of §3.A.3 nee	d not be completed	or reproduced
\square The followi	ng administrative	claims will be paid in	ı full:	

Name of Creditor	Estimated Total Payment

B. Priority Claims (including certain Domestic Support Obligations)

Allowed unsecured claims entitled to priority under §1322(a) will be paid in full unless modified under §9

Name of Creditor	Estimated Total Payment
Internal Revenue Service	\$608.23
PA Department of Revenue	\$3,828.02
York Adams Tax Bureau	\$852.15

C. <u>Domestic Support Obligations Assigned to or Owed to a Governmental Unit Under 11 U.S.C.</u> §507(1)(a)(B) Check *One*

 \boxtimes None. If "None" is checked, the rest of §3. C need not be completed or reproduced.

assigned	allowed priority cl to or is owed to a pvision requires tha	governmental u	nit and will be	paid less than t	the full amount of	f the claim. This	
Name of Creditor					Estimated Total Payment		
4. UNSECURED	CLAIM						
A. Claims	of Unsecured Non	priority Credit	tors Specially	Classified Che	ck One		
☐ To the co-signer	e. If "None" is checate extent that funds and unsecured debts, erest at the rate stately.	are available, twill be paid be	the allowed ame	nount of the folloclassified, unse	lowing unsecured cured claims. The	ne claim shall be	
Name of Creditor		Reason for Special Classification		Estimated Amount of Claim	Interest Rate	Estimated Total Payment	
paymen 5. EXECUTORY ⊠ None	ing allowed unsect of other classes. CONTRACTS AND The contracts of the contract of the co	ND UNEXPIRI	ED LEASES (Check One c completed or i	reproduced.	Ü	
Name of Other Party	Description of Contract or Lease	Monthly Payment	Interest Rate	Estimated Arrears	Total Plan Payment	Assume or Reject	
Property of the ☐ Plan ⊠ Entry	PROPERTY OF T estate will vest in Confirmation of Discharge ng of Case		on: Check the A	Applicable Line			
7. DISCHARGE	Check One						

 \boxtimes The Debtor will seek a discharge pursuant to \$1328(a).

Page 6 of 7

	described in §1328(f).					
8.	ORDER OF DISTRUBITION					
	If a pre-petition Creditor files a secured, priority treat the claim as allowed, subject to objection by	or specifically classified claim after the bar date, the Trustee will by the Debtor.				
	Payments from the Plan will be made by the Tru	astee in the following order:				
	Level 1:					
	Level 2:					
	Level 3:					
	Level 4:					
	Level 5:					
	Level 6:					
	Level 7:					
	Level 8:					
		ed not be completed or produced. If the above levels are not filled- its will be determined by the Trustee using the following as a guide:				
	Level 1: adequate protection payments					
	Level 2: Debtor's attorney's fees					
	Level 3: Domestic Support Obligations					
	Level 4: priority claims, pro rata					
	Level 5: secured claims, pro rata					
	Level 6: specifically classified unsecured claims					
	Level 7: timely filed general unsecured claims					
	Level 8: untimely filed general unsecured claims to which the Debtor has not objected					
9.	NONSTANDARD PLAN PROVISIONS					
		an attachment. Any nonstandard provision placed elsewhere y attachment must be filed as one document, not as a Plan and				
Dated: _	011/05/2024	/s/ Paul D. Murphy-Ahles				
		Attorney for Debtor				
		/s/ Larry D. Smith, Jr.				
		Debtor 1				
	ng this document, the Debtor, if not represented ontains no nonstandard provisions other than those	by an Attorney, or the Attorney for Debtor also certifies that this e set out in §9.				

☐ The Debtor is not eligible for a discharge because the Debtor has previously received a discharge

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Larry D. Smith, Jr. **Debtor 1**

Chapter 13

Case No. 1:23-BK-02739-HWV

Matter: Motion to Modify Confirmed Plan

NOTICE

NOTICE OF OPPORTUNITY TO OBJECT AND HEARING: Pursuant to Local Rule 2002-1(a), the Court will consider this Motion without further notice of hearing unless a party in interest files an objection/response on or before **November 27, 2024**. If you object to the relief requested, you must file your objection/response with the Court of the Court and serve a copy of on the Movant and Movant's Attorney.

If you file and serve an objection/response within the time permitted, the Court may schedule a hearing, and you will be notified. If you do not file an objection within the permitted time, the Court will deem the Motion unopposed and proceed to consider the Motion without further notice or hearing and the Court may grant the relief requested.

Date: November 6, 2024

Paul D. Murphy-Ahles, Esquire PA ID No. 201207 DETHLEFS PYKOSH & MURPHY 2132 Market Street Camp Hill, PA 17011 (717) 975-9446 pmurphy@dplglaw.com Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Larry D. Smith, Jr. **Debtor 1**

Chapter 13

Case No. 1:23-BK-02739-HWV

Matter: Motion to Modify Confirmed Plan

ORDER OF COURT

UPON CONSIDERATION of Debtor(s)' Motion to Modify Confirmed Plan, and satisfactory grounds having been stated and without objection, it IS HEREBY ORDERED that Debtor(s)' Motion to Modify Confirmed Plan is APPROVED, and Debtor(s)' Plan is hereby MODIFIED consistent with the terms of the Second Amended Chapter 13 Plan. The Second Amended Chapter 13 Plan replaces and supersedes the "First Amended Chapter 13 Plan" as confirmed on April 10, 2024.

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Larry D. Smith, Jr. **Debtor 1**

Chapter 13

Case No. 1:23-BK-02739-HWV

Matter: Motion to Modify Confirmed Plan

CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, November 6, 2024, I served a true and correct copy of **Debtor(s)' Motion to Modify**Confirmed Plan, Second Amended Plan, Notice of Opportunity to Objection and Hearing Date, and proposed Order in this proceeding via electronic means or USPS First Class Mail upon the recipients as listed in the Mailing Matrix.

/s/ Kathryn S. Greene

Kathryn S. Greene, RP®, Pa.C.P. Paralegal for Paul D. Murphy-Ahles, Esquire Label Matrix for local noticing 0314-1 Case 1:23-bk-02739-HWV Middle District of Pennsylvania Harrisburg Sat Mar 9 15:44:59 EST 2024

Ashley Funding Services, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587

Credit One Bank PO Box 98875 Las Vegas, NV 89193-8875

Fortiva PO Box 105555 Atlanta, GA 30348-5555

(p) JEFFERSON CAPITAL SYSTEMS LLC PO BOX 7999 SAINT CLOUD MN 56302-7999

Lakeview Loan Servicing LLC c/o M&T Bank
P.O. Box 840
Buffalo, NY 14240-0840

M&T Bank
Attor Legal Document Processing
620 Commerce Drive
Amherst, NY 14228-2391

MedStar Medical Group PO Box 4185967 Boston, MA 02241-8597

Morton & Craig, LLC 110 Marter Avenue, Suite 301 Moorestown, NJ 08057-3125

PRA Receivables Management, LLC d/b/a Portfolio Recovery Associates PO Box 41067
Norfolk, VA 23541-1067

Case 1:23-bk-02739-HWV

(p)ATLAS ACQUISITIONS LCC 492C CEDAR LANE SUITE 442 TEANECK NJ 07666-1713

Chesapeake Urology Associates PO Box 829922 Philadelphia, PA 19182-1922

First Investor Serv c/o Peritus Portfolio Sv P.O. Box 111419 Irving, TX 75014 Inc. ATE

Fox and Fox 1 Montgomery Plaza, Suite 706 Norristown, PA 19401-4852

KML Law Group, PC BNY Mellon Independence Center 701 Market Street, Suite 5000 Philadelphia, PA 19106-1541

Leonardo Girio-Herrera, DO, LLC c/o Physicians Medical Billing 10845 Philadelphia Road White Marsh, MD 21162-1717

Maryland Endoscopoy Center PO Box 30250 Nashville, TN 37230-5250

Midland Credit Management, Inc. 8875 Aero Drive, Suite 200 PO Box 939069 San Diego, CA 92193-9069

OneMain Financial 601 NW 2nd Street PO Box 3251 Evansville, IN 47731-3251

Pennsylvania Department of Revenue Bankryntoy Division PO Rox 280346 Harrisburg PA 17128-0946 U.S. Bankruptcy Court
Sylvia H. Rambo U. Courthouse I C
1501 N. 6th Screet
Harrisburg, PA 17102-1104

(p) CONTINENTAL FINANCE COMPANY PO BOX 3220 BUFFALO NY 14240-3220

First Investors Financial Services 380 Interstate North Parkway #300 Atlanta, GA 30339-2222

Internal Revenue Service Centralized Insolvency Operation PO Box 7346 Philadelphia, PA 19101-7346

LVNV Funding, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587

PO Box 1508, Bulfalo, NY 14240

MedStar Good Samaritan Physicians PO Box 417833 Boston, MA 02241-7833

(p) MISSION LANE LLC PO BOX 105286 ATLANTA GA 30348-5286

PA Department of Revenue Attn: Bankruptcy Division PO Box 280496 Harrisburg, PA 17128-0946

(p)PORTFOLIO RECOVERY ASSOCIATES LLC PO BOX 41067 NORFOLK VA 23541-1067

Doc 50 Filed 11/06/24 Entered 11/06/24 13:45:58 Desc Main Document Page 12 of 13 Transworld System, Inc. PO Box 15618 Wilmington, DE 19850-5618 Us counthouse TRONIC
1501 N. 6th SCTRONIC
Harrisburg, PA 17102-1104

University of Maryland Upper Chesapeake Medical Center PO Box 418701 Boston, MA 02241-8701

Upper Chesapeake Medical Services PO Box 418094 Boston, MA 02241-8094 York Adams Tax Bureau 1405 North Duke Street PO Box 15627 York, PA 17405-0156 (p) JACK N ZAHAROPOULOS

ATTH CHAPTER 13 TRUSTES ON IC

8125 ADAMS DRIVE SUITE A

HUMMELSTOWN PA 17036-8625

Larry D. Smith Jr. 14731 Trout School Road Felton, PA 17322-8227 Paul Donald Murphy-Ahles
Dethlefs Pykosh & Murphy
213 Market Street RONIC
Camp Hill, PA 17011-4706

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Atlas Acquisitions LLC 492C Cedar Lane, Ste 442 Teaneck, NJ 07666 (d)Atlas Acquisitions LLC 492C Cedar Lane, Ste 442 Teaneck NJ 07666 Continental Finance Company 4550 Linden Hill Road, Suite 4 Wilmington, DE 19808

Jefferson Capital Systems, LLC 16 Mcleland Road PO Box 7999 Saint Cloud, MN 56302-9617 Mission Lane PO Box 105286 Atlanta, GA 30348 Portfolio Recovery Associates, LLC POB 12914 Norfolk VA 23541

Jack N Zaharopoulos Standing Chapter 13 (Trustee) 8125 Adams Drive, Suite A Hummelstown, PA 17036

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) LAKEVIEW LOAN SERVICING, LLC

End of Label Matrix
Mailable recipients 37
Bypassed recipients 1
Total 38